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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 7, 2004

By Hand Delivery

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

RE: MB Docket No.: 04-89, RM-10888
Horseshoe Beach, Florida - Channel 234C3
Living Proof, Inc., Petitioner - FRN: 0006-2429-11

Dear Ms. Dortch:

Living Proof, Inc., by and through its attorneys, hereby submits these Comments in support of its Petition for Rulemaking to reserve the above-reference vacant commercial FM allotment for noncommercial use.

Should there be any questions regarding this matter, please contact undersigned counsel.

Sincerely,



Harry C. Martin
Lee G. Petro

Counsel for Living Proof, Inc.

Enclosures

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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of: }
 }
 }
Amendment of Section 73.202(b), }
Table of Allotments, }
FM Broadcast Stations }
 }
 }
(Horseshoe Beach, Florida) }

MB Docket No.: 04-89
RM-10888

TO: CHIEF, MEDIA BUREAU

COMMENTS

Living Proof, Inc. ("Living Proof"), by and through its attorneys, hereby submits these Comments in support of the reservation of Channel 234C3, Horseshoe Beach, Florida, for noncommercial use. Living Proof submitted a Petition for Rulemaking on November 21, 2003, in response to the *Public Notice*¹ establishing a filing window for reserving existing, vacant commercial FM allotments. On March 26, 2004, the FCC released a Notice of Proposed Rulemaking proposing the reservation of the allotment for NCE use.²

As noted in the Petition, the reservation of the allotment would deliver 2,125 persons their first NCE service, 4,949 persons their second NCE service, and would best serve the public interest. Living Proof continues to support this allotment, and intends to file an application for the allotment should the Commission reserve the allotment for NCE use.

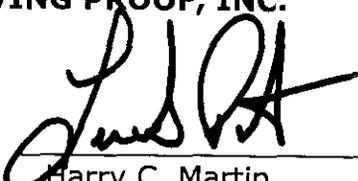
¹ *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, Public Notice, DA 03-2990 (rel. Sept. 30, 2003) (the "Public Notice").

² *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Various)*, 19 FCC Rcd 5333 (2004).

Therefore, Living Proof, Inc., respectfully requests that the Commission grant the Petition for Rulemaking, and reserve Channel 243C3 at Horseshoe Beach, Florida.

Respectfully submitted,

LIVING PROOF, INC.

By: 

Harry C. Martin
Lee G. Petro

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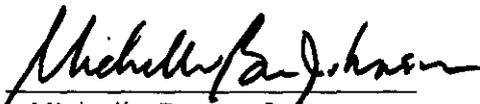
Its Counsel

May 7, 2004

CERTIFICATE OF SERVICE

I, Michelle Brown Johnson, a Secretary with the law firm of Fletcher, Heald & Hildreth PLC, certify that I have sent the foregoing "COMMENTS", via first-class mail to the following:

Denise B. Moline, Esquire
1212 South Naper Boulevard
Suite 119
Naperville, Illinois 60565
Counsel for Starboard Media Foundation, Inc.

By: 
Michelle Brown Johnson

May 7, 2004